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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212477
Party	Defendant GFA Brands, Inc.
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October 27, 2015

Electronically Filed via ESTTA

The Honorable Ellen Seeherman
The Honorable Lorelei Ritchie
The Honorable Michael Adlin

**RE: *Balance Bar Company, Opposer v. GFA Brands, Inc., Applicant*
 SMART BALANCE Opposition Nos. 91196954 (Parent) and 91197748
 EARTH BALANCE Opposition No. 91212477**

Dear Judges Seeherman, Ritchie and Adlin :

Judge Seeherman asked at last Thursday's oral argument for examples of trademark use of BALANCE on food products (not nutritional supplements), in addition to the EARTH BALANCE, SMART BALANCE, HEALTHY BALANCE and SIMPLY BALANCED examples that we discussed at the argument and showed in our slides. I am very sorry I could not remember other examples during the argument. As promised, here are some additional examples of such use, with citations to where they can be located in the record for both the SMART BALANCE and EARTH BALANCE proceedings:

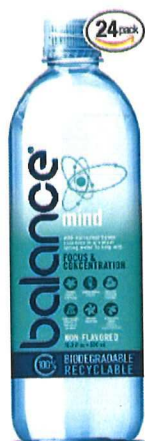
1. SALT BALANCE—submitted website and trademark registration:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 2, Ex. 45; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 2, Ex. C-5;

Trademark reg: Oppos. 91196954, 7/28/2014 App's 5th NOR, Dkt. 108 at 2, Ex. 90; Oppos. 91212477, 10/20/2014 App's 5th NOR, Dkt. 33 at 2, Ex. E-8.

2. BALANCE—submitted website and trademark registration:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 2, Ex. 46; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 2, Ex. C-6;

Trademark Registration: Oppos. 91196954, 7/28/2014 App's 5th NOR, Dkt. 108 at 2, Ex. 93; Oppos. 91212477, 10/20/2014 App's 5th NOR, Dkt. 33 at 2, Ex. E-11.

3. SWISS BALANCE—submitted website and trademark registration:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 3, Ex. 62; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 3, Ex. C-22;

Trademark registration: Oppos. 91212477, 10/20/2014 App's 5th NOR, Dkt. 33 at 2, Ex. E-32.

4. CARB BALANCE—submitted product packaging, website, and trademark registration:

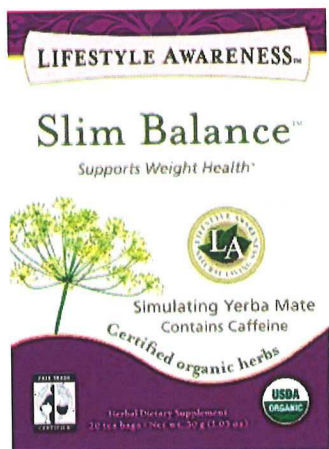


Product Package: Oppos. 91212477, 10/20/2014 App's 2d NOR, Dkt. 30 at 2, Ex. B-14;

Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 2, Ex. 41; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 2, Ex. C-1;

Trademark registration: Oppos. 91196954, 7/28/2014 App's 5th NOR, Dkt. 108 at 1, Ex. 83; Oppos. 91212477, 10/20/2014 App's 5th NOR, Dkt. 33 at 1, Ex. E-1.

5. SLIM BALANCE—submitted website and trademark registration:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 3, Ex. 61; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 3, Ex. C-21;

Trademark Registration: Oppos. 91196954, 7/28/2014 App's 5th NOR, Dkt. 108 at 2, Ex. 102; Oppos. 91212477, 10/20/2014 App's 5th NOR, Dkt. 33 at 2, Ex. E-20.

6. SUGAR BALANCE—submitted website and product packaging:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 2, Ex. 50; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 2, Ex. C-10;

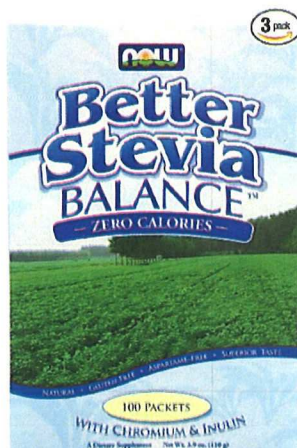
Product Package: Oppos. 91212477, 10/20/2014 App's 2d NOR, Dkt. 30 at 1, Ex. B-2.

7. METABO BALANCE—submitted website:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 3, Ex. 58; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 3, Ex. C-18.

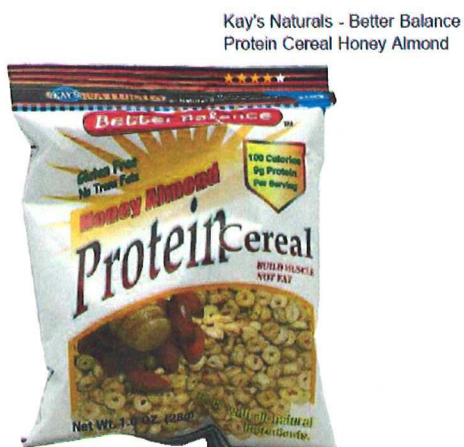
8. BETTER STEVIA BALANCE—submitted website:



Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 3, Ex. 59; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 3, Ex. C-19.

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9. BETTER BALANCE—submitted website:




Website: Oppos. 91196954, 7/28/2014 App's 3d NOR, Dkt. 106 at 3, Exs. 65, 66; Oppos. 91212477, 10/20/2014 App's 3d NOR, Dkt. 31 at 3, Ex. C-25.

Thank you again for your consideration.

Very truly yours,

QUARLES & BRADY LLP



David R. Cross

DRC/dh

cc: R. Glenn Schroeder